

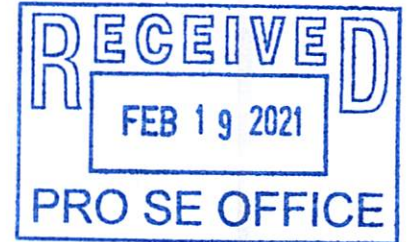
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U.S. DISTRICT COURT E.D.N.Y.

★ FEB 19 2021 ★

Hon. Eric R. Komitee
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

BROOKLYN OFFICE



United States Magistrate Judge Bloom
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Capogrosso v. Gelbstein et al, No. 18-cv-2710 (E.D.N.Y.)
Letter motion seeking discovery sanctions

Judge Magistrate Bloom:

Defendant David Smart was ordered by this Court (Dkt. #154) to respond to my interrogatories dated August 25, 2020 (Dkt. # 149, also attached herein as Exhibit A) by February 12, 2021.

I declare under penalty of perjury, that to date defendant David Smart has not complied with this Court Order. I have received no responses to my interrogatories.

Wherefore, pursuant to J. Magistrate Bloom's Individual Practice Rule 5, Motions, Local Rules of the United States District Courts for the Southern and Eastern Districts 37.1 and 37.3 and the Federal Rules of Civil Procedure Rule 37 (5)(b), I request that the Court impose the following sanctions:

1) that the matters as embraced, and the matters designated in my interrogatories

"5. Who told you to approach me, plaintiff Mario H. Capogrosso, on the morning of May 11, 2105 and create the incident which resulted in my removal from the Brooklyn TVB.

6. Did defendant Alan Gelbstein, defendant Ida Traschen, defendant Danielle Calvo and/or Bushra Vahdat tell you to approach me on the morning of May 11, 2015 and create the incident which resulted in my removal from the Brooklyn TVB.

7. If the answer to any part of question 6 above is yes, which of the person or persons identified in question 6 told you to approach me, plaintiff Mario H. Capogrosso, on the morning on May 11, 2015 and when did such person or

persons have such conversation with you.”

a. be established to be that, defendants Alan Gelbstein, Ida Traschen and Danielle Calvo told defendant David Smart, prior to May 11, 2015, to approach me, plaintiff Mario H. Capogrosso, on the morning of May 11, 2015 and create the incident which resulted in my removal from the Brooklyn TVB on the morning of May 11, 2015

b. be established to be that, Bushra Vahdat told defendant David Smart, prior to May 11, 2015 to approach me, plaintiff Mario H. Capogrosso, on the morning of May 11, 2015 and create the incident which resulted in my removal from the Brooklyn TVB on the morning of May 11, 2015

2) that a default judgment be entered against defendant David Smart as being a disobedient party

and

3) any other relief this Court sees fit to impose.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 19, 2020
New Rochelle, New York

Respectfully, truthfully submitted and requested,

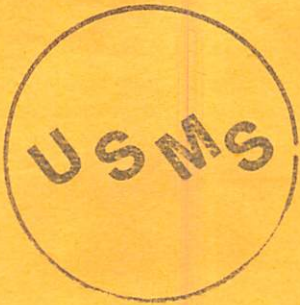


Mario H. Capogrosso

TO: PRO SE OFFICE

RE: CAPOROSSO V. FELDBSTEIN, et. al.

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